

**DIVISION OF LICENSING AND CERTIFICATION  
CHILD CARE LICENSING UNIT**

**DIRECTED PLAN OF ACTION AND CONDITIONS OF LICENSURE**

NAME OF LICENSEE: Old Town - Orono YMCA  LICENSEE IDENTIFICATION NUMBER: 213556  FACILITY TYPE: Child Care Center  APPROVED CAPACITY: 300	LICENSOR NAME: Barbara Jones	DATE SURVEYS COMPLETED: November 15, 2018, December 12 & 13, 2018 and January 3, 2019
	STREET ADDRESS, CITY, STATE, ZIP CODE: 472 Stillwater Avenue Old Town, ME 04468	
SUMMARY OF RULE VIOLATIONS AND SUPPORTING EVIDENCE	CONDITIONS OF LICENSURE	DUE DATE
<b>On November 15, 2018 Child Care Licensing Specialist Barbara Jones completed a complaint investigation following a self-reported concern at Old Town - Orono YMCA. On December 12<sup>th</sup> and 13<sup>th</sup>, 2018 and January 3, 2019 Out of Home Investigator Pamela Sennett also completed a complaint investigation at the Old Town - Orono YMCA. The following rule violations were found:</b>		
<b>SECTION 9. ORGANIZATION AND ADMINISTRATION</b>  <b>9.2. Other administrative responsibilities.</b> The applicant or licensee shall:  <b>9.2.2. Policies.</b> Develop policies and provide for their implementation. This must include, at a minimum, policies for the following:  <b>9.2.2.1. Child abuse reports</b>  <b>9.2.2.10. Reporting licensing violations;</b>  <b>9.2.3. Responsibility.</b> The licensee is responsible for assuring that the facility's policies are followed.  <i>This was not met as evidenced by:</i>  At least five (5) staff members did not report child rights violations and suspected child abuse and neglect in a timely fashion and in accordance with program policies.	Boyd will ensure that policies are reviewed and understood by staff members and ensure staff follow expectations outlined in policies at all times. This includes but is not limited to policies regarding child abuse reports and reporting licensing violations.	Within two (2) weeks of issuance of the Directed Plan of Action and Conditional License.
<b>SECTION 10. RIGHTS FOR CHILDREN IN CHILD CARE FACILITIES</b>  <b>10.1. Right to freedom from abuse and neglect.</b> Children shall be free from mental, verbal, physical and/or sexual abuse, neglect and exploitation.  <b>10.3. Right to freedom from harmful actions or</b>		

Page 1 of 5      Signature of Licensee: \_\_\_\_\_

Date: \_\_\_\_\_

**practices. Each child has the right to freedom from harmful actions or practices that are detrimental to the child's welfare, and to practices that are potentially harmful to the child.**

**10.6. Right to consideration and respect.**  
**Children shall be treated with dignity, consideration and respect in full recognition of their individuality. This includes the use of developmentally appropriate practices by the Child Care Facility.**

## **SECTION 12. PERSONNEL**

### **12.1. Staff requirements for all Child Care Facilities**

**12.1.5. Exercise good judgment.** Childcare staff responsible for or assisting with the care of children in the facility and other paid or unpaid staff and volunteers shall be emotionally stable and mature, able to exercise good judgment in the handling of children and shall not engage in any action or practice that may be deemed detrimental to the welfare of the children.

**12.1.5.1. Detrimental actions or practices.** Actions or practices that may be deemed detrimental to the welfare of children or that are potentially harmful to children are strictly prohibited.

**12.1.5.2. Such actions or practices as defined by the Division of Licensing and Regulatory Services include but are not limited to the following:**

**12.1.5.2.1. Corporal punishment, as defined in Section 1.6;**

**12.1.5.2.6. Withholding food or drink;**

**12.1.5.2.7. Derogatory remarks to or about children or parents;**

**12.1.5.2.8. Name calling;**

**12.1.5.2.11. Rough handling.**

## **SECTION 16. CHILD GUIDANCE**

### **16.1. Child guidance**

**16.1.1. Positive methods of child guidance.** Staff

Page 2 of 5      Signature of Licensee: \_\_\_\_\_ Date: \_\_\_\_\_

<p><b>must use positive methods of child guidance which encourage self-control, self-direction, self-esteem and cooperation. Child guidance must meet the individual needs of each child.</b></p> <p><b>16.1.3. Constructive methods of guidance. The Child Care Facility must use only constructive methods of guidance. This may include, but is not limited to, interventions such as conflict resolution, encouraging the use of language skills, redirecting, providing choices, using praise or positive reinforcement, recognizing a child's strengths, and allowing for individual differences.</b></p> <p><b>16.1.4. Corporal punishment. Corporal punishment as defined in Section 1.6 in these rules is strictly prohibited.</b></p> <p><b>16.1.11. Detrimental practice. No child shall be subjected to an action or practice detrimental to the welfare of children as defined in Section 12.1.5.</b></p> <p><i>This was not met as evidenced by:</i></p> <p>Five (5) staff members reported witnessing one (1) staff member, eating children's lunches, feeding a child restricted foods, withholding food, calling children names, yelling and swearing at children, and rough handling several children to include pulling infants by their arms, forcefully pressing children down by their head and backs to make them sleep, roughly putting a child down onto a nap mat and one (1) incident of slapping a child on the hand.</p> <p>In addition, one (1) staff member was observed removing a child from the child care program without parental permission.</p>	<p>Boyd will ensure that all enrolled children are free from abuse and neglect and harmful actions or practices that are detrimental to the child's welfare including but not limited to corporal punishment, withholding food or drink, derogatory remarks to or about children and parents, name calling, rough handling and to practices that are potentially harmful to children at all times.</p> <p>In addition, Boyd will ensure staff use positive methods of child guidance which encourage self-control, self-direction, self-esteem and cooperation and meets the individual needs of each child. Staff will also use constructive methods of guidance at all times. This may include, but is not limited to, interventions such as conflict resolution, encouraging the use of language skills, redirecting, providing choices, using praise or positive reinforcement, recognizing a child's strengths, and allowing for individual differences.</p>	<p>Immediately upon receipt of the Directed Plan of Action and Conditions of Licensure.</p> <p>Immediately upon receipt of the Directed Plan of Action and Conditions of Licensure.</p>
---	---	---

Page 3 of 5      Signature of Licensee: \_\_\_\_\_ Date: \_\_\_\_\_

**pursuant to Title 22 M.R.S.A chapter 1071 and Section 21 of these rules. Documentation must be maintained in the facility that a report has been made.**

*This was not met as evidenced by:*

Five (5) staff members reported witnessing one (1) staff member, eating children's lunches, feeding a child restricted foods, withholding food, calling children names, yelling and swearing at children, and rough handling several children to include pulling infants by their arms, forcefully pressing children down by their head and backs to make them sleep, roughly putting a child down onto a nap mat and one (1) incident of slapping a child on the hand. The staff members who witnessed these events failed to make a report to Child Protective Services and Child Care Licensing.

## **SECTION 11. RECORDS AND REPORTS**

### **11.1. Child's record**

**11.1.1. A record must be completed at the time of admission and maintained by the Child Care Facility on each child in care and must include:**

**11.1.1.13. A record of injuries sustained while in care of the facility, significant changes in appearance and/or hygiene, or significant changes in behavior (such as: increased aggression, withdrawal, sexual acting out, and/or prolonged tantrums) and other health conditions, if known;**

*This was not met as evidenced by:*

On November 8, 2018 an incident report was not completed for an instance of a staff person kicking a child in the back and stomach, causing the child to fall to the floor and a bump to their head.

## **SECTION 13. STAFF CHILD REQUIREMENTS**

### **13.2. Supervision**

**13.2.3. Crying children. A child crying or crying out shall be attended to.**

*This was not met as evidenced by:*

Boyd will ensure that any staff member who reasonably believes that the rules pertaining to children's rights, and the conduct of childcare have been violated, report this information to Children's Licensing and Investigation Services and to Child Protective Intake Services as soon as there is suspicion of a child rights violation and/or abuse or neglect.

Boyd will further ensure that all staff receive mandated reporter training a minimum of once every four (4) years, as required by State of Maine statute.

Immediately upon receipt of Directed Plan of Action and Conditions of Licensure.

Within two (2) weeks of receipt of Directed Plan of Action and Conditions of Licensure.

Boyd will ensure that there is a record of injuries sustained for each enrolled child while in care of the facility, significant changes in appearance and/or hygiene, or significant changes in behavior (such as: increased aggression, withdrawal, sexual acting out, and/or prolonged tantrums) and other health conditions, if known at all times.

Immediately upon receipt of the Directed Plan of Action and Conditions of Licensure.

Boyd will ensure that a child crying or crying out shall be attended to at all times.

Immediately upon issuance of the Directed

<p>On November 8, 2018, one (1) staff member kicked a child to the floor causing a bump to their head and told other staff not to comfort the child when they cried as they were just being a "sissy."</p>	<p><b>SECTION 22. INFANT/TODDLER PROGRAM</b></p> <p><b>22.3.1. Each child shall be allowed to form and follow his or her own pattern of sleeping and waking periods;</b></p> <p><i>This was not met as evidenced by:</i></p> <p>One (1) staff member repeatedly used their hands and feet to push children down into the mattresses of play yards and cribs to force children to sleep against their will.</p>	<p>Plan of Action and Conditions of Licensure.</p> <p>Immediately upon issuance of the Directed Plan of Action and Conditions of Licensure.</p>
--	--	---

Page 5 of 5      Signature of Licensee: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS DOCUMENT MUST BE PROMINENTLY DISPLAYED AT THE PROGRAM SITE**